

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,	)	CASE NO. 8:06CR406
	)	
Plaintiff,	)	
	)	
vs.	)	TENTATIVE FINDINGS
	)	
STANLEY D. ADKINS,	)	
	)	
Defendant.	)	

The Court has received the Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Filing No. 33). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Paragraph 4 of the Order on Sentencing Schedule required that written objections to the PSR be submitted to the probation officer on or before July 30, 2007. A reading of the PSR and the cover letter do not indicate that objections were filed. On August 10, 2007, defense counsel wrote a letter<sup>1</sup> containing the objection to the Defendant's objection to ¶ 18, which reflects a 4-level upward adjustment pursuant to U.S.S.G. § 2K2.1(b)(6) for possessing a firearm or ammunition in connection with another felony offense. The letter includes the following: "I believe that there is a case on point that will support my position. I will try to find it and provide it to the Court as soon as possible. I just need a little bit of time to complete the research." (Filing No. 33.)

The objection is denied for the following reasons: 1) the objection was not previously raised pursuant to ¶ 4 of the sentencing scheduling order, and therefore is untimely; 2)

<sup>1</sup>Paragraph 6 of the Order on Sentencing Schedule requires that final objections to the PSR be filed and that the specific nature of the objection be described. (Filing No. 24, ¶ 6.) The Court filed the letter on August 13, 2007.

once filed the objection is merely a quotation of ¶ 18 and fails to include the specific nature of the objection or any legal support; and 3) given the facts in ¶ 10 of the PSR, to which there are no objections, the objection appears to lack merit.

IT IS ORDERED:

1. The Defendant's Objections to the Presentence Investigation Report (Filing No. 33) are denied;

2. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 5<sup>th</sup> day of September, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge